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OFFICE OF PETITIONS

In re Application of :
Eberhard J. Sauter :
Application No. 10/520,826 : **DECISION ON PETITION**
Filed: July 11, 2005 :
Attorney Docket No. 040668-US :

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed June 22, 2009.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee and submit a substitute oath or declaration in response to the Notice of Allowance and Notice of Allowability, both mailed on April 9, 2007. These Notice set a statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee and substitute oath or declaration having been received, the application became abandoned on July 10, 2007. A Notice of Abandonment was mailed on August 8, 2007. Applicant filed a petition to revive under 37 CFR 1.137(b) on May 18, 2009. However, the petition was dismissed in a decision mailed on June 9, 2009. The petition was dismissed because petitioner did not submit a substitute oath or declaration as required by the Notice of Allowability.

With the instant petition, petitioner filed a substitute oath or declaration.

Receipt of the RCE, filed with the instant petition is also acknowledged.

The application is being forwarded to Group Art Unit 2856 for consideration of the RCE, filed June 22, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

Cliff Congo
Petitions Attorney
Office of Petitions